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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,148	12/08/2000	Guillaume Bichot	PF980074	5718

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JOSEPH J. LAKS, VICE PRESIDENT
THOMSON LICENSING LLC
PATENT OPERATIONS
PO BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER
BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
2153	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 January 2007</u>.

2a)☐ This action is **FINAL**. .   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

1.   The amendment filed on January 05, 2007 has been fully considered but are not

persuasive.

- Claims 1-14 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 1,9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. "Wherein the communication of information

concerning the messages buffer size between said first device and said second device is at

the same network layer level as the communications of messages containing payload".

Applicant states "This features are supported by the original specification, for example,

fig. 6 of the specification show that the communication of information concerning the

message buffer size between said first device and said second device is at the same

network layer level as the communications of messages containing payload." Applicant

also refers to page 13, line 28 to page 14, line 13. Examiner notes that the portions

pointed out by the Applicant do not show "wherein the communication of information

concerning the messages buffer size between said first device and said second device is at

the same network layer level as the communications of messages containing payload."

These portions show a communication of information concerning the messages buffer

size between a first device and a second device..." There is in no mention of these steps

being communicated "at the same network layer level as the communications of

messages containing payload." It is not clear what network layer level is applicant

referring to.

3.   Claims1, 9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention. "wherein the communication of information concerning the messages buffer

size between said first device and said second device is at the same network layer level as

the communications of messages containing payload". Applicant states "This features are

supported by the original specification, for example, fig. 6 of the specification show that

the communication of information concerning the message buffer size between said first

device and said second device is at the same network layer level as the communications

of messages containing payload." Applicant also refers to page 13, line 28 to page 14,

line 13. Examiner notes that the portions pointed out by the Applicant do not show

"wherein the communication of information concerning the messages buffer size between

said first device and said second device is at the same network layer level as the

communications of messages containing payload." These portions show a communication

of information concerning the messages buffer size between a first device and a second

device..." It does not show how the communication of information concerning the

messages buffer size between said first device and said second device "<u>is at the same</u>

<u>network layer level as the communications of messages containing payload.</u>" It is not

clear from the specification what network layer level is applicant referring to and how the

step of "wherein the communication of information concerning the messages buffer size

between said first device and said second device<u> is at the same network layer level as the</u>

<u>communications of messages containing payload.</u>" is performed.

Response to Arguments

4.   Applicant argues in substance that:

Strecker does not disclose or suggest the new limitation of "wherein the communication

of information concerning the messages buffer size between said first device and said

second device<u> is at the same network layer level as the communications of messages</u>

<u>containing payload.</u>"

In response, Examiner notes that the applicant has not shown clearly where these

limitations are taught in the original specification as explained above. However,

Examiner contends that Streckers shows buffer size information and message containing

payload are communicated in the same network layer (see for example (fig. 3; col. 8,

lines 40 to col. 9, lines 29 and 13, lines 3-24)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out
and distinctly claiming the subject matter which the applicant regards as his
invention.

5.   Claim 11 recites the limitation "said first and second devices" in line and "said

second device" in lines 3 and 4. There is insufficient antecedent basis for this limitation

in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in
> public use or on sale in this country, more than one year prior to the date of application for patent in
> the United States.

6.   Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by

Strecker et al. (U.S. Patent Number 4,777,595, hereinafter "Strecker"). Strecker discloses

an apparatus for transferring blocks of information from one node to a second node in a

computer network. Strecker shows,

In referring to claim 1 and 9,

- Opening a connection between said first device and said second device; having
  said second device allocate a message buffer to said connection, said second
  device communicating the message buffer size to said first device:

  *"Prior to a transfer, the names, offsets and lengths of buffers in other nodes are
  determined and exchanged through higher level protocols. The message packets
  of the present invention reference only the name, length (in bytes) and offset (i.e.,
  location relative to the starting address of the buffer) into the buffer. Offset
  mapping is also implementation-dependent."* (Strecker, Col. 3, lines 67 to col. 4,
  line 15 and col. 7, lines 54 to col. 8, lines 22)

- Having said first device transmit said data packet to said second device, wherein
  said data packet is split and sent as payload in messages, where the size of the
  payload of each message is smaller or equal to said message buffer size (Col. 13,
  lines 3-10):

"To write data from a first node to a second node, the first node puts an appropriate number of so-called SNTDAT packets onto the communications bus, each containing a part of the data and labeled with the name of the destination (i.e., receiving) buffer in the second node and the offset in the receive buffer for that particular packet. A transaction identifier unique to the group of packets also is transmitted, for use in the message confirmation process." (Strecker, col. 4, lines 16-24. see also col. 12, lines 45-55 and col. 13, lines 3-26)

wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload (fig. 3; col. 8, lines 40 to col. 9, lines 29 and 13, lines 3-24)

In referring to claim 2

- Said payloads have a first maximum length independent of said first and second devices:

  A maximum transmission unit (MTU) is inherently implied in a packet switching network .

- A second maximum length dependent of said second device is constituted by said message buffer size, the shortest of said first and second maximum lengths being retained for sending messages to said second device:

  "Data packet length is discretely variable. All the packets of the transfer except the last should be of an agreed-upon size and the last packet should carry the remainder and be less than or equal to the preceding packets in size." (Strecker, col. 5, lines 41-45)

  A system that has nodes with different buffer sizes and a MTU based on the network, using the smallest of these sizes to send data packets is inherently implied

wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the

communications of messages containing payload (fig. 3; col. 8, lines 40 to col. 9, lines

29 and 13, lines 3-24)

In referring to claim 3,

- Said connection is opened by said first device through a function call sent to said

    second device for writing data to said second device:

    "To minimize the number of host interrupts, commands can be generated in the

    receiving port automatically, responsive to a basic command from the sending

    port, as in the case of generating a confirmation message or performing a READ

    operation." (Strecker, col. 5, lines 3-7)

In referring to claim 4,

- Said connection is opened by said second device through a function call sent to

    said first device for reading data from said first device:

    Strecker, col. 5, lines 3-7 (see full quote above)

In referring to claim 5,

- Said first device comprises at least one data storage element for storing said data

    packet:

    Strecker, Fig. 1 shows the first device **14** has a data storage element **25A**

In referring to claim 6,

- Said device comprises more than one storage element, each of said storage

    elements being identified by an identifier:

    Strecker, Fig. 1 shows the first device **14** has data storage elements **25A** and **25B**

In referring to claim 7,

- Said second device comprises at least one data storage element for storing said

    data packet:

    Strecker, Fig. 1 shows the second de

In referring to claim 10,

It is directed to a method for receiving data in a receiving device coupled to a transmitter device in a home network, and similarly recites the additional feature of claims 1 and 9 mentioned above. Therefore, it is rejected with the same rationale.

In referring to claim 11

- Said payloads have a first maximum length independent of said first and second devices:

    A maximum transmission unit (MTU) is inherently implied in a packet switching network

- A second maximum length dependent of said second device is constituted by said message buffer size, the shortest of said first and second maximum lengths being retained for sending messages to said second device:

    "Data packet length is discretely variable. All the packets of the transfer except the last should be of an agreed-upon size and the last packet should carry the remainder and be less than or equal to the preceding packets in size." (Strecker, col. 5, lines 41-45)

    A system that has nodes with different buffer sizes and a MTU based on the network, using the smallest of these sizes to send data packets is inherently implied

In referring to claim 12,

- The step of opening a connection by sending a function call to said transmitter device for reading data from said transmitter device

    Strecker, col. 5, lines 3-7 (see full quote above)

In referring to claim 13,

- Wherein said receiver device comprises at least one data storage element for storing said data packet:

    Strecker, Fig. **1** shows the first device **14** has a data storage element **25A**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claim 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Strecker in view of Muller et al. (U.S. Patent Number 6,021,132, hereinafter "Mul1er").

Although Strecker shows substantial features of the claimed invention, Strecker does not

show the buffers are dynamically allocateable. Nonetheless this feature is well known in

the art and would have been an obvious (addition/modification) to the system disclosed

by Strecker as evidenced by Muller. In analogous art, Muller discloses a shared memory

management in a switched network element. Muller shows: "The shared memory

manager dynamically allocates buffers on behalf of the input ports and tracks ownership

counts for each of the buffers based upon information provided by the input ports and the

output ports." (Muller, col. 2, lines 49-52). Given these teachings, a person of ordinary

skill in the art would have readily recognized the desirability and advantages of

modifying the system of Strecker so as to dynamically allocate memory to the memory

buffer, such as taught by Muller, in order to efficiently allocate memory to operations that

need it.

Conclusion

8.   The prior made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yasin Barqadle whose telephone number is 571-

272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.
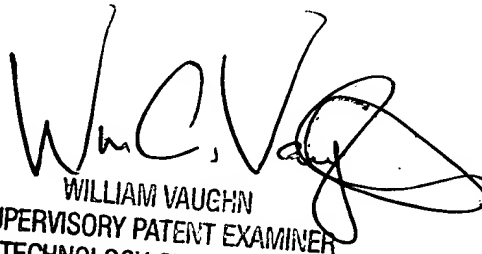
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-872-9306 for

regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

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YB

Art Unit 2153

WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100